

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States of America,

§

Plaintiff,

§

vs.

§

§

§

§

§

Depend On Us Home Care, Inc.,

§

§

Defendant.

§

Civil Action \_\_\_\_\_

(CDCS: 2019A07093/2019A07131/  
2019A17400/2019A17407/2019A17412)

## Complaint

1. *Jurisdiction.* The district court has jurisdiction because the United States is a party. *See* U.S. CONST., art III, § 2, and 28 U.S.C. § 1345.
2. *Venue.* Depend On Us Home Care, Inc. may be served with process by serving its registered agent Chidinma Williams at 2206 Wembley Way, Rosenberg, Texas 77471.
3. *The Debt.* The debts owed to the United States arose through U.S. Health & Human Services, Centers for Medicare and Medicaid Services, Medicare Overpayments.

The debts on the date of the Certificates of Indebtedness were:

(A) CDCS 2019A07093

A.	Current principal	\$	97,804.34
B.	Interest (capitalized and accrued)	\$	39,366.99
C.	Administrative fees, costs, penalties (Including \$400.00 Filing fee)	\$	400.00
D.	Balance due	\$	<u>137,571.33</u>
E.	Prejudgment interest accrues at 10.75% per annum being \$28.80 per day.		

(B) CDCS 2019A07131

A.	Current principal	\$	2,297.04
B.	Interest (capitalized and accrued)	\$	924.82
C.	Administrative fees, costs, penalties	\$	0.00
D.	Balance due	\$	<u>3,221.86</u>

E. Prejudgment interest accrues at 10.75% per annum being \$0.67 per day.

(C) CDCS 2019A17400

A.	Current principal	\$	3,165.11
B.	Interest (capitalized and accrued)	\$	1,008.17
C.	Administrative fees, costs, penalties	\$	0.00
D.	Balance due	\$	<u>4,173.28</u>

E. Prejudgment interest accrues at 9.75% per annum being \$0.84 per day.

(D) CDCS 2019A17407

A.	Current principal	\$	1,844.16
B.	Interest (capitalized and accrued)	\$	587.40
C.	Administrative fees, costs, penalties	\$	0.00
D.	Balance due	\$	<u>2,431.56</u>

E. Prejudgment interest accrues at 9.75% per annum being \$0.50 per day.

(E) CDCS 2019A17412

A.	Current principal	\$	2,235.17
B.	Interest (capitalized and accrued)	\$	711.95
C.	Administrative fees, costs, penalties	\$	0.00
D.	Balance due	\$	<u>2,947.12</u>

E. Prejudgment interest accrues at 9.75% per annum being \$0.60 per day.

Total Due (CDCS 2019A07093, 2019A07131, 2019A17400,

2019A17407 and 2019A17412).

\$ 150,345.15

F. The current principal in paragraph 3(A)A, 3(B)A, 3(C)A, 3(D)A, and 3(E)A is after credits of \$0.00.

4. *Default.* The United States has demanded that the defendant pay the indebtedness, and the defendant has failed to pay it.

5. *Prayer.* The United States prays for judgment for:

A. The sums in paragraph 3, pre-judgment interest, administrative costs, and post-judgment interest.

B. Other relief the court deems proper.

Respectfully submitted,

CERSONSKY, ROSEN & GARCÍA, P.C.

By: /s/ M. H. Cersonsky

M. H. Cersonsky, TBN: 04048500

1770 St. James Place, Suite 150

Houston, Texas 77056

Telephone: (713) 600-8500

Fax: (713) 600-8585

Attorneys for Plaintiff

For Important Information About This Lawsuit Please See Next Page.

## **Federal Court Suit**

- 1. You have been served in a lawsuit.**
- 2. If you dispute the debt in it, you must file a written response to the lawsuit with the court and the government's lawyer. If you do not, a default judgment will be taken against you.**
- 3. Your written response is due 21 days after the day you got the lawsuit papers.**
- 4. Mail your written response to:**

**Clerk  
United States District Court  
P.O. Box 61010  
Houston, Texas 77208**

**and send a copy to the lawyers for the United States at:**

**M. H. Cersonsky  
Cersonsky, Rosen & García, P.C.  
1770 St. James Place, Suite 150  
Houston, Texas 77056**

**Be sure to put your case number and name on your response.**

- 5. If you do not dispute the debt claimed in the lawsuit and want a payment plan, please contact Eddith Salazar at (713) 600-8500.**



U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, DC 20227

ACTING ON BEHALF OF  
U.S. HEALTH & HUMAN SERVICES  
CERTIFICATE OF INDEBTEDNESS

Depend on Us Home Care, Inc.  
7447 Harwin Drive, Suite 106  
Houston, Texas 77036-2020  
EIN: 32-0179531

I hereby certify, as part of my duties with the U.S. Department of the Treasury (Treasury), including referring matters to the U.S. Department of Justice (DOJ) for litigation, I am a custodian of records of certain files sent by the U.S. Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS) to Treasury for collection actions. As a custodian of records for Treasury, I have care and custody of records relating to the **two (2) debts** owed by Depend on Us Home Care, Inc., (DEBTOR) to HHS.

The information contained in this Certificate of Indebtedness is based on documents created by an employee or contractor of HHS based on his/her knowledge at or near the time the events were recorded, including the review of the delinquency of overpayments, or by an employee or contractor of Treasury based on his/her knowledge at or near the time the events were recorded, including the review of the delinquency of overpayments. Treasury's regular business practice is to receive, store and rely on the documents provided by HHS, when, debts are referred to Treasury for collection activities, including litigation.

HHS referred the claims to Treasury's Bureau of the Fiscal Service, Debt Management Services (DMS) for litigation and collection on January 9, 2015. Further, I certify that I am familiar with Treasury's record keeping practices, including the receipt of files from HHS.

**2015004226- Case #1**

On November 21, 2014, HHS determined the DEBTOR delinquent for an overpayment in the amount of \$97,804.35 with an annual interest rate of 10.75%, for CMS services rendered. HHS sent the DEBTOR letters advising of the overpayment and requesting payment to no avail.

On November 2, 2018, DMS referred the claim to DOJ for litigation and collection in the amount due of \$97,804.35 with daily interest of \$28.80 and as of this date, the DEBTOR is indebted to the United States in the amounts stated as follows:

Principal:	\$ 97,804.34
Interest (@10.75%):	\$ 39,366.99
<b>Total:</b>	<b>\$137,171.33</b>





U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, DC 20227

ACTING ON BEHALF OF  
U.S. HEALTH & HUMAN SERVICES  
CERTIFICATE OF INDEBTEDNESS

**2015036424 – Case #2**

On December 19, 2014, HHS determined the DEBTOR delinquent for an overpayment in the amount of \$2,297.04 with an annual interest rate of 10.75%, for CMS services rendered. HHS sent the DEBTOR letters advising of the overpayment and requesting payment to no avail.

On November 2, 2018, DMS referred the claim to DOJ for litigation and collection in the amount due of \$3,221.86 with daily interest of \$0.67 and as of this date, the DEBTOR is indebted to the United States in the amounts stated as follows:

Principal:	\$ 2,297.04
Interest (@10.75%):	\$ 924.82
<b>Total:</b>	<b>\$ 3,221.86</b>

The balances stated in the case listed above are current as of November 2, 2018, including any applicable interest, penalties, administrative fees, and DMS & DOJ fees (pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note).

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the HHS and information contained in Treasury's records.

11/2/2018

X *Natalie R. Stubbs*

Signed by: Natalie R. Stubbs  
Natalie R. Stubbs  
Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service



U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, DC 20227

ACTING ON BEHALF OF  
U.S. HEALTH & HUMAN SERVICES  
CERTIFICATE OF INDEBTEDNESS

Depend on Us Home Care, Inc.  
7447 Harwin Drive, Suite 106  
Houston, Texas 77036-2020  
**EIN: 32-0179531**

**Agency Debt ID No.: 736402364; 736402365; 736402366**  
**TRFM Debt ID No.: 1500305597; 1500305598; 1500305599**

I hereby certify, as part of my duties with the U.S. Department of the Treasury (Treasury), including referring matters to the U.S. Department of Justice (DOJ) for litigation, I am a custodian of records of certain files sent by the U.S. Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS) to Treasury for collection actions. As a custodian of records for Treasury, I have care and custody of records relating to the **three (3) debts** owed by Depend on Us Home Care, Inc., (DEBTOR) to HHS.

The information contained in this Certificate of Indebtedness is based on documents created by an employee or contractor of HHS based on his/her knowledge at or near the time the events were recorded, including the review of the delinquency of overpayments, or by an employee or contractor of Treasury based on his/her knowledge at or near the time the events were recorded, including the review of the delinquency of overpayments. Treasury's regular business practice is to receive, store and rely on the documents provided by HHS, when, debts are referred to Treasury for collection activities, including litigation.

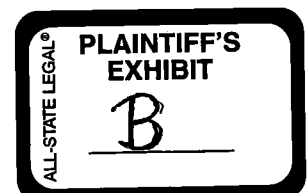
HHS referred the claims to Treasury's Bureau of the Fiscal Service, Debt Management Services (DMS) for litigation and collection on November 13, 2015. Further, I certify that I am familiar with Treasury's record keeping practices, including the receipt of files from HHS.

**1500305597 - Case #1**

On September 1, 2015, HHS determined the DEBTOR delinquent for an overpayment in the amount of \$3,165.11 with an annual interest rate of 9.75%, for CMS services rendered. HHS sent the DEBTOR letters advising of the overpayment and requesting payment to no avail.

On January 11, 2019, DMS referred the claim to DOJ for litigation and collection in the amount due of \$4,173.28 with daily interest of \$0.84 as of January 15, 2019.

Principal:	\$ 3,165.11
Interest (@ 9.75%):	\$ 1,008.17
<b>Total:</b>	<b>\$ 4,173.28</b>





U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, DC 20227

ACTING ON BEHALF OF  
U.S. HEALTH & HUMAN SERVICES  
CERTIFICATE OF INDEBTEDNESS

**1500305598 – Case #2**

On September 1, 2015, HHS determined the DEBTOR delinquent for an overpayment in the amount of \$1,844.16 with an annual interest rate of 9.75%, for CMS services rendered. HHS sent the DEBTOR letters advising of the overpayment and requesting payment to no avail.

On January 11, 2019, DMS referred the claim to DOJ for litigation and collection in the amount due of \$2,431.56 with daily interest of \$0.50 as of January 15, 2019.

Principal:	\$ 1,844.16
Interest (@ 9.75%):	\$ 587.40
<b>Total:</b>	<b>\$ 2,431.56</b>

**1500305599 – Case #3**

On September 1, 2015, HHS determined the DEBTOR delinquent for an overpayment in the amount of \$2,235.17 with an annual interest rate of 9.75%, for CMS services rendered. HHS sent the DEBTOR letters advising of the overpayment and requesting payment to no avail.

On January 11, 2019, DMS referred the claim to DOJ for litigation and collection in the amount due of \$2,947.12 with daily interest of \$0.60 as of January 15, 2019.

Principal:	\$ 2,235.17
Interest (@ 9.75%):	\$ 711.95
<b>Total:</b>	<b>\$ 2,947.12</b>

The balances stated in the case listed above are current as of January 15, 2019, including any applicable interest, penalties, administrative fees, and DMS & DOJ fees (pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note).

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the HHS and information contained in Treasury's records.

1/16/2019

Signed by: Natalie R. Stubbs

Natalie R. Stubbs  
Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service